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March 4, 2010

VIA HAND DELIVERY

Hon. Kenneth M. Hoyt
United States District Judge
Southern District of Texas
515 Rusk, Room 11-144
Houston, Texas 77002

Re: *Aaron Wilson Garner, et al. v. BP Products North America Inc., C.A.*
NO. G-07-221, in the United States District Court of the Southern
District of Texas, Galveston Division

Dear Judge Hoyt:

The Plaintiffs appear to have slightly over-estimated prejudgment interest. The discrepancy seems to be the length of accrual. Texas law counts the day of filing, but *not* the day of judgment. See Tex. Fin. Code § 304.104. Assuming a judgment were signed on March 3, 2010 (the date used in the Plaintiffs' calculation), the years of accrual would be as follows:

Plaintiff	Filing	2007	2008	2009	2010	Total
Fernandez	6/8/2007	0.567 ¹	1.0	1.0	0.167 ²	2.734
Estrada	6/8/2007	0.567	1.0	1.0	0.167	2.734
Guerra	6/8/2007	0.567	1.0	1.0	0.167	2.734
Jefferson	6/8/2007	0.567	1.0	1.0	0.167	2.734
Munoz	6/8/2007	0.567	1.0	1.0	0.167	2.734
Taylor	6/8/2007	0.567	1.0	1.0	0.167	2.734
Pearson	6/29/2007	0.510 ³	1.0	1.0	0.167	2.677
Cantu	8/6/2007	0.405 ⁴	1.0	1.0	0.167	2.573
Fuentes	8/6/2007	0.405	1.0	1.0	0.167	2.573
Mays	8/6/2007	0.405	1.0	1.0	0.167	2.573

This would yield prejudgment interest of:

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- 1 207 days/365 days = 0.567
 - 2 61 days/365 days = 0.167
 - 3 186 days/365 days = 0.510
 - 4 148 days/365 days = 0.405

Hon. Kenneth M. Hoyt

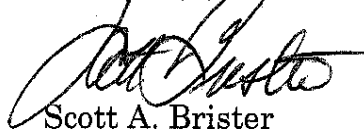
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Plaintiff	Past Damages	Rate	Years	Interest	Daily Interest
Fernandez	\$9,913.26	5%	2.734	\$1,355.26	\$1.36
Estrada	\$8,337.93	5%	2.734	\$1,139.90	\$1.14
Guerra	\$6,195.35	5%	2.734	\$846.98	\$0.85
Jefferson	\$8,612.00	5%	2.734	\$1,177.37	\$1.18
Munoz	\$29,386.21	5%	2.734	\$4,017.46	\$4.03
Taylor	\$17,297.38	5%	2.734	\$2,364.77	\$2.37
Pearson	\$12,255.45	5%	2.677	\$1,640.22	\$1.68
Cantu	\$6,529.30	5%	2.573	\$839.86	\$0.89
Fuentes	\$6,091.68	5%	2.573	\$783.57	\$0.83
Mays	\$5,917.79	5%	2.573	\$761.21	\$0.81

For the Court's convenience, the final column reflects interest that should be added for the number of days after March 3rd that the judgment is signed.

Very truly yours,



Scott A. Brister

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